



Pet. revive 137(b) (Rev. 9/98)

Patents

DAE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Richard G. Cartledge) Art Unit: 3731
)
Serial No. 10/651,852) Examiner: Not Yet Assigned
)
Filed: August 29, 2003)
)
For: **Apparatus for Implanting Surgical Devices for Controlling the Internal
Circumference of an Anatomic Orifice or Lumen**

**PETITION UNDER 37 C.F.R. §1.137(b) FOR REVIVAL OF AN APPLICATION
UNINTENTIONALLY ABANDONED FOR FAILURE TO PROSECUTE**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The applicant named in the patent application identified above hereby petitions under 37 C.F.R. §1.137(b) to revive that patent application:

The above-referenced patent application went abandoned on January 5, 2005 for failure to timely reply to the Notice to File Missing Parts mailed on April 13, 2004.

The entire delay in prosecuting the application from the due date for the Notice to File Missing Parts until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional.

02/11/2005 HALI11 00000023 10651852

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750.00 OP

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on Feb. 7, 2005.

Larry A. Roberts
Larry A. Roberts- Reg. No. 31,871

The required reply to the Notice to File Missing Parts is filed herewith.

A check in the amount of \$750.00 to cover the petition fee as required by 37 C.F.R. §1.17(m) is enclosed.

WHEREFORE, applicant requests that the above-referenced patent application be revived.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Larry A. Roberts".

By: Larry A. Roberts
Reg. No. 31,871

KILPATRICK STOCKTON LLP
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Our Docket: 55430/291339

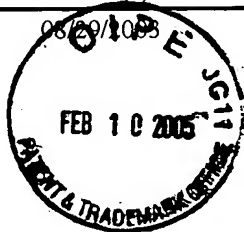


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/651,852	08/29/1093	Richard G. Cartledge	52817/291339

23370
 JOHN S. PRATT, ESQ
 KILPATRICK STOCKTON, LLP
 1100 PEACHTREE STREET
 ATLANTA, GA 30309



CONFIRMATION NO. 8128

ABANDONMENT/TERMINATION
LETTER

OC000000014884019

Date Mailed: 01/05/2005

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 04/13/2004.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Z-Moguss

Customer Service Center
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE